

1 AMENDMENT TO HOUSE BILL 3618

2 AMENDMENT NO. _____. Amend House Bill 3618 by replacing
3 the title with the following:

4 "AN ACT concerning public health."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Ambulatory Surgical Treatment Center Act
8 is amended by changing Section 6.5 as follows:

9 (210 ILCS 5/6.5)

10 Sec. 6.5. Clinical privileges; advanced practice nurses.
11 All ambulatory surgical treatment centers (ASTC) licensed
12 under this Act shall comply with the following requirements:

13 (1) No ASTC policy, rule, regulation, or practice shall
14 be inconsistent with the provision of adequate collaboration,
15 including medical direction of licensed advanced practice
16 nurses, in accordance with Section 54.5 of the Medical
17 Practice Act of 1987.

18 (2) Operative surgical procedures shall be performed
19 only by a physician licensed to practice medicine in all its
20 branches under the Medical Practice Act of 1987, a dentist

1 licensed under the Illinois Dental Practice Act, or a
2 podiatrist licensed under the Podiatric Medical Practice Act
3 of 1987, with medical staff membership and surgical clinical
4 privileges granted by the consulting committee of the ASTC. A
5 licensed physician, dentist, or podiatrist may be assisted by
6 a physician licensed to practice medicine in all its
7 branches, dentist, dental assistant, podiatrist, licensed
8 advanced practice nurse, licensed physician assistant,
9 licensed registered nurse, licensed practical nurse, surgical
10 assistant, surgical technician, or other individuals granted
11 clinical privileges to assist in surgery by the consulting
12 committee of the ASTC. Payment for services rendered by an
13 assistant in surgery who is not an ambulatory surgical
14 treatment center employee shall be paid at the appropriate
15 non-physician modifier rate if the payor would have made
16 payment had the same services been provided by a physician.

17 (3) The anesthesia service shall be under the direction
18 of a physician licensed to practice medicine in all its
19 branches who has had specialized preparation or experience in
20 the area or who has completed a residency in anesthesiology.
21 An anesthesiologist, Board certified or Board eligible, is
22 recommended. Anesthesia services may only be administered
23 pursuant to the order of a physician licensed to practice
24 medicine in all its branches, licensed dentist, or licensed
25 podiatrist.

26 (A) The individuals who, with clinical privileges
27 granted by the medical staff and ASTC, may administer
28 anesthesia services are limited to the following:

- 29 (i) an anesthesiologist; or
30 (ii) a physician licensed to practice medicine
31 in all its branches; or
32 (iii) a dentist with authority to administer
33 anesthesia under Section 8.1 of the Illinois Dental
34 Practice Act; or

1 (iv) a licensed certified registered nurse
2 anesthetist.

3 (B) For anesthesia services, an anesthesiologist
4 shall participate through discussion of and agreement
5 with the anesthesia plan and shall remain physically
6 present and be available on the premises during the
7 delivery of anesthesia services for diagnosis,
8 consultation, and treatment of emergency medical
9 conditions. In the absence of 24-hour availability of
10 anesthesiologists with clinical privileges, an alternate
11 policy (requiring participation, presence, and
12 availability of a physician licensed to practice medicine
13 in all its branches) shall be developed by the medical
14 staff consulting committee in consultation with the
15 anesthesia service and included in the medical staff
16 consulting committee policies.

17 (C) A certified registered nurse anesthetist is not
18 required to possess prescriptive authority or a written
19 collaborative agreement meeting the requirements of
20 Section 15-15 of the Nursing and Advanced Practice
21 Nursing Act to provide anesthesia services ordered by a
22 licensed physician, dentist, or podiatrist. Licensed
23 certified registered nurse anesthetists are authorized to
24 select, order, and administer drugs and apply the
25 appropriate medical devices in the provision of
26 anesthesia services under the anesthesia plan agreed with
27 by the anesthesiologist or, in the absence of an
28 available anesthesiologist with clinical privileges,
29 agreed with by the operating physician, operating
30 dentist, or operating podiatrist in accordance with the
31 medical staff consulting committee policies of a licensed
32 ambulatory surgical treatment center.

33 (Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)

1 Section 10. The Hospital Licensing Act is amended by
2 changing Section 10.7 as follows:

3 (210 ILCS 85/10.7)

4 Sec. 10.7. Clinical privileges; advanced practice
5 nurses. All hospitals licensed under this Act shall comply
6 with the following requirements:

7 (1) No hospital policy, rule, regulation, or practice
8 shall be inconsistent with the provision of adequate
9 collaboration, including medical direction of licensed
10 advanced practice nurses, in accordance with Section 54.5 of
11 the Medical Practice Act of 1987.

12 (2) Operative surgical procedures shall be performed
13 only by a physician licensed to practice medicine in all its
14 branches under the Medical Practice Act of 1987, a dentist
15 licensed under the Illinois Dental Practice Act, or a
16 podiatrist licensed under the Podiatric Medical Practice Act
17 of 1987, with medical staff membership and surgical clinical
18 privileges granted at the hospital. A licensed physician,
19 dentist, or podiatrist may be assisted by a physician
20 licensed to practice medicine in all its branches, dentist,
21 dental assistant, podiatrist, licensed advanced practice
22 nurse, licensed physician assistant, licensed registered
23 nurse, licensed practical nurse, surgical assistant, surgical
24 technician, or other individuals granted clinical privileges
25 to assist in surgery at the hospital. Payment for services
26 rendered by an assistant in surgery who is not a hospital
27 employee shall be paid at the appropriate non-physician
28 modifier rate if the payor would have made payment had the
29 same services been provided by a physician.

30 (3) The anesthesia service shall be under the direction
31 of a physician licensed to practice medicine in all its
32 branches who has had specialized preparation or experience in
33 the area or who has completed a residency in anesthesiology.

1 An anesthesiologist, Board certified or Board eligible, is
2 recommended. Anesthesia services may only be administered
3 pursuant to the order of a physician licensed to practice
4 medicine in all its branches, licensed dentist, or licensed
5 podiatrist.

6 (A) The individuals who, with clinical privileges
7 granted at the hospital, may administer anesthesia
8 services are limited to the following:

9 (i) an anesthesiologist; or

10 (ii) a physician licensed to practice medicine
11 in all its branches; or

12 (iii) a dentist with authority to administer
13 anesthesia under Section 8.1 of the Illinois Dental
14 Practice Act; or

15 (iv) a licensed certified registered nurse
16 anesthetist.

17 (B) For anesthesia services, an anesthesiologist
18 shall participate through discussion of and agreement
19 with the anesthesia plan and shall remain physically
20 present and be available on the premises during the
21 delivery of anesthesia services for diagnosis,
22 consultation, and treatment of emergency medical
23 conditions. In the absence of 24-hour availability of
24 anesthesiologists with medical staff privileges, an
25 alternate policy (requiring participation, presence, and
26 availability of a physician licensed to practice medicine
27 in all its branches) shall be developed by the medical
28 staff and licensed hospital in consultation with the
29 anesthesia service.

30 (C) A certified registered nurse anesthetist is not
31 required to possess prescriptive authority or a written
32 collaborative agreement meeting the requirements of
33 Section 15-15 of the Nursing and Advanced Practice
34 Nursing Act to provide anesthesia services ordered by a

1 licensed physician, dentist, or podiatrist. Licensed
2 certified registered nurse anesthetists are authorized to
3 select, order, and administer drugs and apply the
4 appropriate medical devices in the provision of
5 anesthesia services under the anesthesia plan agreed with
6 by the anesthesiologist or, in the absence of an
7 available anesthesiologist with clinical privileges,
8 agreed with by the operating physician, operating
9 dentist, or operating podiatrist in accordance with the
10 hospital's alternative policy.

11 (Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)".